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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

8 EMANUEL L. FINCH SR,

9 Plaintiff,

10 v.

11 KEITH MILLER, PEOPLE OF THE  
12 STATE OF WASHINGTON,  
RICHARD WHITEHEAD,

13 Defendant.

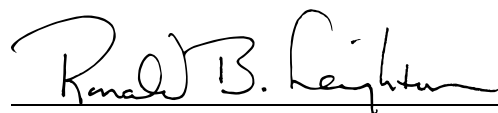
CASE NO. 3:17-CV-05293-RBL-DWC

**ORDER ADOPTING REPORT AND  
RECOMMEDATION**

14 The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
15 W. Christel, objections to the Report and Recommendation, if any, and the remaining record,  
16 does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation.  
18 (2) Plaintiff's Complaint is dismissed without prejudice.  
19 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants,  
20 and to the Hon. David W. Christel.

21 Dated this 8<sup>th</sup> day of August, 2017.

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Ronald B. Leighton  
United States District Judge